

**Gold King Mine Release Talking Points**  
Navajo Nation Resource and Development Committee Meeting  
April 5, 2016

**Claims**

- U.S. EPA is continuing to review individual claims under the Federal Tort Claims Act (FTCA).
- Information about the claims process can be found on EPA's Gold King mine website: [ HYPERLINK "<https://www.epa.gov/goldkingmine/claims-process-and-standard-form-95-damage-injury-or-death-result-gold-king-mine>" ]
- If there are specific questions, U.S. EPA can provide a contact in EPA's Office of General Counsel in Washington, D.C.

**Cooperative Agreement**

- On March 10, U.S. EPA awarded \$157,756 to Navajo Nation government agencies for costs incurred during the response to the August 2015 Gold King Mine release. This reimbursement is for costs incurred by Navajo from August 5 to September 2, 2015 and includes: \$42,138 for drinking water; \$31,116 for installing a fiber optic cable that provided needed internet access to the Navajo Nation Emergency Operations Center; \$63,824 for sampling and supplies and \$20,678 for labor, travel and supplies to support the delivery of hay and agricultural water.
- Navajo Nation accepted the award on March 30 with the understanding that they could request that U.S. EPA de-obligate funds for items in the award if the terms and conditions that applied to those items were not acceptable to Navajo Nation. Navajo Nation will inform U.S. EPA as soon as possible about whether they will be requesting that funds be de-obligated.
- U.S. EPA wishes to continue reviewing additional response costs that Navajo Nation has requested reimbursement for. However, since other costs that were included in Navajo Nation's grant application may pose similar concerns related to compliance with the terms and conditions of the award, U.S. EPA needs clarification about what terms and conditions may be problematic about this award prior to reviewing additional costs.
- U.S. EPA needs additional information about the majority of the requested costs that were not included in this award to determine whether they are eligible under EPA's response authorities and allowable under federal grant principles.
- Funds that EPA is making available through this cooperative agreement are in addition to more than \$1.1 million spent by the Agency in response costs on the Navajo Nation immediately following the spill. Approximately \$1 million was used to supply agricultural water and \$140,000 was paid to the Navajo Agricultural Products Industry for hay delivered to Navajo farmers and ranchers.

**Water Monitoring**

- Starting on March 22, 2016, EPA contractors spent a week collecting pre-runoff water and sediment samples along the 27 monitoring sites identified in the Conceptual Monitoring Plan. This was the second round of monitoring that was completed as a part of the Conceptual Monitoring Plan.
- The Navajo Nation was informed of this monitoring effort and coordinated with the EPA Contractor to assist them in the field.

- The final version of the Conceptual Monitoring Plan that includes responses to the comments submitted by the stakeholders in the Animas and San Juan Watersheds was released on March 24, 2016.
- To help states and tribes monitor water quality conditions in the Animas and San Juan Rivers, EPA will be allocating \$2 million. These grants will include requirements for quality assurance plans and data sharing with EPA and the public. Navajo Nation will receive \$465,000 of the \$2 million, and will be discussing their draft workplan for these funds with U.S. EPA Region 9's Water Division at Twin Arrows in Flagstaff on April 6, 2016.

## **Data**

- EPA's Office of Research and Development completed an analysis related to the fate and transport of metals in the Animas and San Juan Rivers. That analysis is being peer reviewed but preliminary findings included the following:
  - The metal load in the plume, by the time it reached the lower Animas River, was roughly equivalent to one day's worth of high spring runoff of acid mine drainage discharges into the Animas River from all existing acid mine drainage sources in the Animas River Watershed.
  - Monitoring during the response suggests that there are hot spots of metal contaminants in the lower Animas and San Juan Rivers unrelated to the GKM release that may warrant further investigation.
- EPA compared the data that was collected for the San Juan River in Fall of last year as a part of the Conceptual Monitoring Plan with recreational screening levels and Navajo Nation agricultural screening levels. There were no exceedances of recreational screening levels or Navajo Nation's agricultural screening levels.
- Navajo Nation lifted agricultural restrictions on the San Juan River. On August 24, 2015, President Begaye reported that the Navajo Nation EPA had determined that the water from the San Juan River was safe for irrigation purposes. On August 28, 2015, the President lifted irrigation restrictions on the San Juan River for the Chapters of Upper Fruitland, San Juan and Nenahnezad. On October 15, Navajo Nation lifted all irrigation and livestock restrictions on the San Juan River.
- Metal concentrations in San Juan River surface water exceed Navajo Nation's agricultural screening levels in historical data for short durations. During the response to the Gold King Mine Spill, metal concentrations also exceeded Navajo Nation's agricultural screening levels for short durations. For example, twice during the sampling that occurred during the Gold King Mine response, lead exceeded Navajo's agricultural screening levels for a single daily sample, and fell well below the screening level on the following day. This is consistent with brief exceedances of screening levels that occurred in the 2012 – 2013 timeframe. Given the short duration of the exceedances, EPA believes the San Juan River is safe for agriculture and irrigation.

## **Superfund Listing**

- On Feb. 29, 2016, Colorado Governor John Hickenlooper wrote a letter to EPA supporting the addition of Bonita Peak Mining District (BPMD) to the National Priorities List (NPL). In his letter, he cited the support of the Town of Silverton, San Juan County, Durango, La Plata County, local tribes and many other interested stakeholders for NPL designation.
- EPA will propose adding the BPMD to the NPL in the Federal Register in early April. Adding the site to the NPL would make it eligible for additional study and cleanup resources under EPA's Superfund program.

- Following the proposal, there will be a 60-day comment period. EPA will consider all comments received during the comment period. The Agency will make a final decision about adding the Site to the NPL after it has considered all comments.
- EPA reviews and updates the NPL two times each year: once during the Spring, and once during the Fall. EPA will make every effort to make a final NPL decision by Fall 2016. The actual date will be dependent on the nature and extent of public comments.
- The BPMD consists of 48 mining-related sources in the Upper Animas, Cement Creek, and Mineral Creek drainages that were identified using historic data on metal loading to these water bodies.
- The 48 mining-related sources are comprised of 35 mines (including Gold King Mine), seven mine tunnels, four tailings areas, and two study areas where additional characterization is needed to fully understand which sources are contributing most to contamination and, therefore, require clean up.
- Based on historic information for 32 of the mine sites, there are an estimated 248,000 cubic yards of waste rock and a cumulative estimated adit flow of 5.4 million gallons per day. Contaminants found in these sources and in the surface water include arsenic, cadmium, copper, manganese, zinc, lead and aluminum. These contaminants impact fish that are harvested for human consumption as well as wetlands and habitat for the threatened Canadian Lynx.